



**SO ORDERED.**

**SIGNED this 28th day of September, 2021**

**THIS ORDER HAS BEEN ENTERED ON THE DOCKET.  
PLEASE SEE DOCKET FOR ENTRY DATE.**

*Shelley D. Rucker*  
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Shelley D. Rucker  
CHIEF UNITED STATES BANKRUPTCY JUDGE

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**IN THE UNITED STATES BANKRUPTCY COURT FOR  
THE EASTERN DISTRICT OF TENNESSEE**

**In re:**

**Lewis Edwin Culberson and  
Patricia Dianne Culberson,**

**Debtors;**

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**Lewis Edwin Culberson and  
Patricia Dianne Culberson,**

**Plaintiffs,**

**v.**

**Nationstar Mortgage, LLC dba Mr. Cooper,**

**Defendant.**

**No. 1:15-bk-15519-SDR  
Chapter 13**

**Adv. No. 1:21-ap-01012-SDR**

**ORDER**

On August 5, 2021, the Court heard oral argument on defendant's motion to dismiss (Doc. No. 8). Since then, three events have occurred that potentially affect how the Court will

rule on the motion. On August 9, 2021, plaintiffs filed a motion for leave to amend their complaint. (Doc. No. 20.) On August 16, 2021, the United States Court of Appeals for the Sixth Circuit issued an opinion in *Ward v. Nat'l Patient Acct. Servs. Sols., Inc.*, \_\_\_ F.4th \_\_\_, No. 20-5902, 2021 WL 3616067 (6th Cir. Aug. 16, 2021). In *Ward*, the Sixth Circuit decided that the plaintiff lacked Article III standing to sue under the Fair Debt Collection Practices Act ("FDCPA") for a procedural violation without a concrete injury in fact. On August 23, 2021, the United States District Court for the Northern District of Illinois issued an opinion in *Twardowski v. Credit Mgmt., L.P.*, No. 20 C 4285, 2021 WL 3722850 (N.D. Ill. Aug. 23, 2021). The plaintiff's FDCPA claim in *Twardowski* was dismissed for lack of Article III standing, and the decision relied on *Pennell v. Glob. Tr. Mgmt., LLC*, 990 F.3d 1041 (7th Cir. 2021). *Twardowski* and *Pennell* are not binding on this Court but might require the Court's attention in conjunction with *Ward*.

To ensure a full record given recent events, the Court sets the following schedule for further proceedings. On or before **October 15, 2021**, defendant will file a supplemental response to the motion for leave to amend that addresses the impact, if any, of *Ward*, *Twardowski*, and *Pennell* on this case. On or before **October 22, 2021**, plaintiffs will file any reply papers in support of the motion for leave to amend; the reply papers will include plaintiffs' position on *Ward*, *Twardowski*, and *Pennell*. The Court will hold oral argument on the motion for leave to amend on **October 28, 2021 at 11:30 AM ET**, in Courtroom B of the Historic U.S. Courthouse, 31 East 11th Street, Chattanooga, TN 37402-2722.

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